

IN THE UNITED STATES DISTRICT COURT FILED
BILLINGS DIV.

FOR THE DISTRICT OF MONTANA 2009 MAR 31 PM 3 38

BILLINGS DIVISION

PATRICK E. DUFFY, CLERK

BY _____
DEPUTY CLERK

**RAMONA CLINE, JOLINDA
HILL and JACKSON CLINE,**

Plaintiffs,

vs.

**SCHMIDT HARVESTING, LLC,
a Kansas limited liability
company,**

Defendant.

CV-08-86-BLG-RFC

**ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS OF
U.S. MAGISTRATE JUDGE**

On February 19, 2009, United States Magistrate Judge Carolyn Ostby entered Findings and Recommendation. Magistrate Judge Ostby recommends this Court dismiss this case for failure to prosecute.

Upon service of a magistrate judge's findings and recommendation, a party has 10 days to file written objections. 28 U.S.C. § 636(b)(1). In this matter, no party filed objections to the February 19, 2009 Findings and Recommendation. Failure to object to a magistrate judge's findings and recommendation waives all objections to the findings of fact. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir.

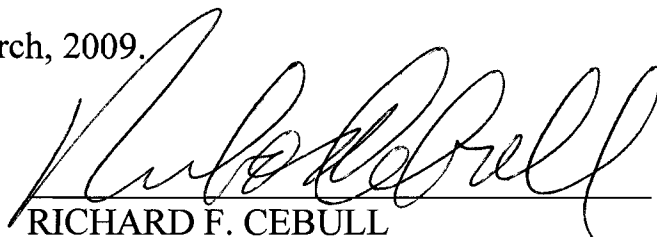
1999). However, failure to object does not relieve this Court of its burden to review de novo the magistrate judge's conclusions of law. *Barilla v. Ervin*, 886 F.2d 1514, 1518 (9th Cir. 1989).

After an extensive review of the record and applicable law, this Court finds Magistrate Judge Ostby's Findings and Recommendation are well grounded in law and fact and adopts them in their entirety.

Accordingly, **IT IS HEREBY ORDERED** Plaintiffs' case is **DISMISSED, WITHOUT PREJUDICE**, for Plaintiffs' failure to prosecute.

The Clerk of Court shall notify the parties of the making of this Order and close this file.

DATED the 31st day of March, 2009.


RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE